

RESOLUTION NO. 20050623-043

WHEREAS, the City Council of the City of Austin has found that public necessity requires the acquisitions by the City of certain real property interests as stated hereinafter for the purposes hereinafter stated; and

WHEREAS, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owners of the real property interests on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file or cause to be filed a suit in eminent domain on behalf of the City of Austin against the owners now having or who may acquire an interest in the real property interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owners hereinafter stated and/or their successors in interests, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A" and "B," which are attached hereto and made a part hereof for all purposes.

The City Attorney or other authorized designee shall file eminent domain proceedings for:

Owner: Joseph Binford and Richard Haberman, Trustees

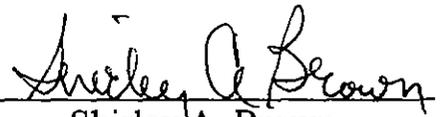
Project: Spicewood Springs Road Right of Way Widening Project
(from Mesa Drive to Loop 360)

Intended Purpose: fee simple interests in two parcels of land for
improvements and/or widening of a City of Austin
street for public use.

Location: 0 Spicewood Road, Austin, Texas, and see attached field
notes.

ADOPTED: June 23, 2005

ATTEST:



Shirley A. Brown
City Clerk

JOSEPH BINFORD
&
RICHARD HABERMAN, TRUSTEES

TO

CITY OF AUSTIN
(For Street Purpose)
(Spicewood Springs Road)

FIELD NOTES

FIELD NOTE, description of 4,883 square feet or 0.1121 acres of land out of the James M. Mitchell Survey No. 17, Abstract No. 521, in the City of Austin, Travis County, Texas, also, being out of that certain tract conveyed from Floyd C. Cantwell and wife, Helen Cantwell, and Frank Boatright to Joseph Binford and Richard Haberman, Trustees, as recorded in Volume 3795, Page 2171 of the Deed Records of Travis County, Texas. The said 4,883 square foot parcel being more particularly described by metes and bounds as follows:

BEGINNING, at an iron rod found in concrete on the existing east R.O.W. line of Spicewood Springs Road, at the southwest corner of Cary Addition, a subdivision filed for record in Book 85, Page 104D of the Plat Records of Travis County, Texas, also being the northwest corner of said Binford and Haberman tract;

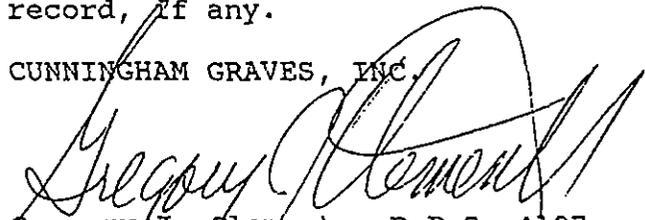
THENCE, N 82° 35' 21" E, along the south line of said Cary Addition, passing an iron rod found in concrete at the southwest corner of Lot 1, Block A in said Cary Addition at 22.10 feet, and continuing a total distance of 29.13 feet to an iron rod set on the proposed east R.O.W. line of Spicewood Springs Road;

THENCE, S 8° 51' 37" E, 188.06 feet along the proposed east R.O.W. line of Spicewood Springs Road, to an iron rod set on the north line of a tract conveyed to James S. Grinnan and Jerry P. Jones by deed recorded in Volume 8120, Page 734, of the Deed Records of Travis County, Texas, same being the south line of said Binford and Haberman tract;

THENCE, N 42° 41' 39" W, 53.01 feet along said north line of the Grinnan and Jones tract to an iron rod found on the existing east R.O.W. line of Spicewood Springs Road, at the most northerly corner of said Grinnan and Jones tract;

THENCE, N 8° 42' 19" W, 144.77 feet along the existing east R.O.W. line of Spicewood Springs Road, same being the west line of said Binford and Haberman tract, to the PLACE OF BEGINNING, containing 4,883 square feet or 0.1121 acres of land, more or less, subject to easements, conditions, or restrictions of record, if any.

CUNNINGHAM GRAVES, INC.


Gregory J. Clements, R.P.S. 4197
November 14, 1985 (Revised December 11, 1985)
Job No. 031-0005.0100 (February 11 1986)
JBRHFLNB-D

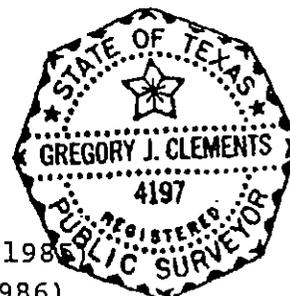
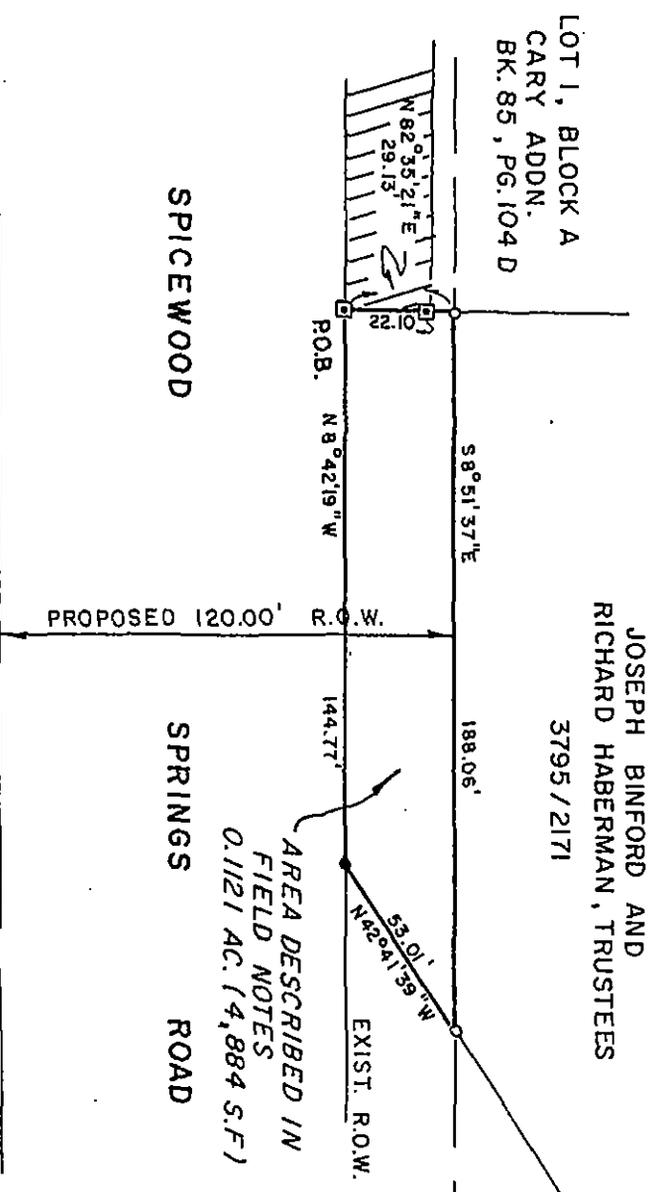


EXHIBIT "A"

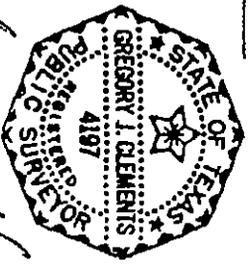
1"=40'

SKETCH TO ACCOMPANY FIELD NOTES PART OF THE JAMES M. MITCHELL SUR. 17, A 521, CITY OF AUSTIN, TRAVIS CO., TEX.



JOSEPH BINFORD AND
RICHARD HABERMAN, TRUSTEES
3795 / 2171

JAMES S. GRINNAN AND
JERRY R JONES
8120 / 734



Gregory J. Clements
DEC 11 1985

- LEGEND**
- IRON ROD FOUND
 - IRON PIPE FOUND
 - ▲ NAIL FOUND
 - ▼ METAL FENCE POST
 - IRON ROD FOUND IN CONCRETE
 - CONCRETE HWY. MONUMENT FOUND
 - △ 60d NAIL SET
 - IRON ROD SET
 - ▨ PREVIOUS R.O.W. DEDICATION

JOB NO. 031-0005, 0100

PREPARED BY
CUNNINGHAM - GRAVES, INC.
AUSTIN, TX.

JOSEPH BINFORD
&
RICHARD HABERMAN, TRUSTEES

TO

CITY OF AUSTIN
(For Street Purposes)
(Spicewood Springs Road)

FIELD NOTES

FIELD NOTE, description of 9,122 square feet or 0.2094 acres of land out of the James M. Mitchell Survey No. 17, Abstract No. 521 and the James Coleman Survey No. 25, Abstract No. 169, in the City of Austin, Travis County, Texas, also being out of that certain tract conveyed from Crow and Associates, Inc. to Joseph Binford and Richard Haberman, Trustees by deed recorded in Volume 4623, Page 152 of the Deed Records of Travis County, Texas. The said 9,122 square foot parcel being more particularly described by metes and bounds as follows:

BEGINNING, at an iron rod found on the existing east R.O.W. line of Spicewood Springs Road, at the most southerly corner of said Binford and Haberman tract, also being the most westerly corner of that certain tract conveyed to Grant Homer Maner and Billie Jean Maner by deed recorded in Volume 4056, Page 438 of the Deed Records of Travis County, Texas;

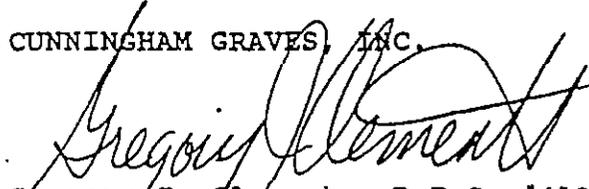
THENCE, along the existing east R.O.W. line of Spicewood Springs Road, also being the west line of said Binford and Haberman Tract with the following two (2) courses and distances;

- 1.) N 9° 37' 17" W, 344.21 feet to a concrete highway monument found;
- 2.) N 13° 13' 37" E, 72.01 feet to an iron rod set on the proposed east R.O.W. line of Spicewood Springs Road (120 foot R.O.W.);

THENCE, S 8° 51' 37" E, 382.97 feet, traversing the interior of said Binford and Haberman tract along the proposed east R.O.W. line of Spicewood Springs Road, to an iron rod set in the common line between said Binford and Haberman tract, and said Maner tract;

THENCE, S 30° 00' 06" W, 35.87 feet along said common line between the Binford, et al tract, and the Maner tract to the PLACE OF BEGINNING, containing 9,122 square feet or 0.2094 acres of land, more or less, subject to easements, conditions, or restrictions of record, if any.

CUNNINGHAM GRAVES, INC.


Gregory J. Clements, R.P.S. #4197
November 14, 1985, (Revised December 11, 1985)
CGI Job No. 031-0005.0100
JBRHFLNA-D

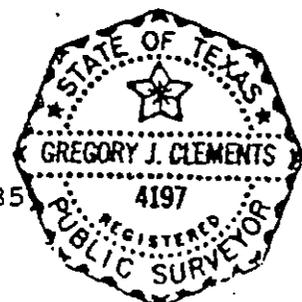


EXHIBIT "B"

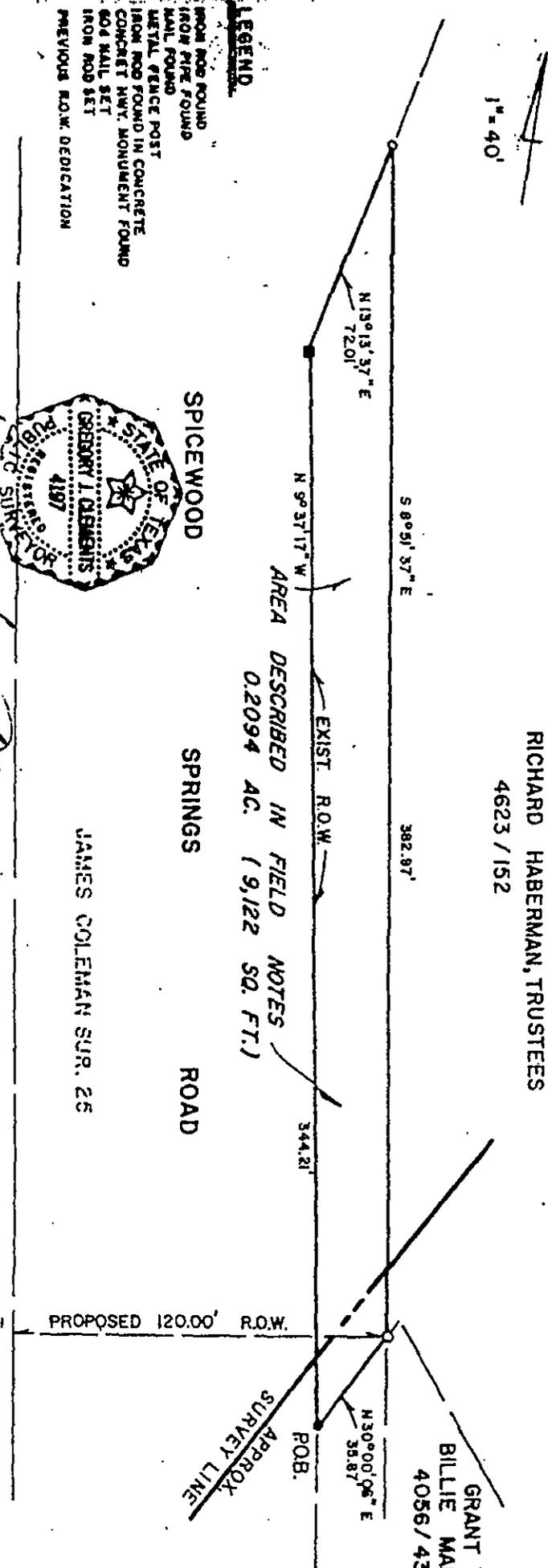
**SKETCH TO ACCOMPANY FIELD NOTES
 PART OF THE JAMES M. MITCHELL SUR. 17, A 521,
 PART OF THE JAMES COLEMAN SUR. 25, A 169,
 CITY OF AUSTIN, TRAVIS CO., TEX.**

1" = 40'

JOSEPH BINFORD AND
 RICHARD HABERMAN, TRUSTEES
 4623 / 152

JAMES M. MITCHELL SUR. 17

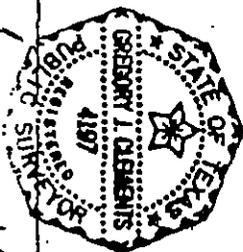
GRANT B.
 BILLIE MANE
 4056 / 438



EXIST. R.O.W.
 AREA DESCRIBED IN FIELD NOTES
 0.2094 AC. (9,122 SQ. FT.)

SPICEWOOD SPRINGS ROAD

JAMES COLEMAN SUR. 25



Gregory I. Albright

DEC 11 1985

JOB NO. 031-0005, Q100

PREPARED BY
 CUNNINGHAM - GRAVES, INC.
 AUSTIN, TX.

- LEGEND**
- FROM ROD FOUND
 - FROM PIPE FOUND
 - MAIL FOUND
 - METAL FENCE POST
 - IRON ROD FOUND IN CONCRETE
 - CONCRETE MNT. MONUMENT FOUND
 - 604 MAIL SET
 - IRON ROD SET
 - PREVIOUS R.O.W. DEDICATION